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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/348,891	07/06/1999	ANTONIUS A.C.M. KALKER	PHN-17.025	5906

7590 01/29/2003

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EXAMINER

TRAN, THAI Q

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/348,891

Applicant(s)

KALKER ET AL.

Examiner

Thai Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) Z.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Substitute Specification

1. The substitute specification filed Nov. 15, 2002 is accepted and has been entered.

Response to Arguments

2. Applicant's arguments filed Nov. 15, 2002 have been fully considered but they are not persuasive.

In re pages 5-7, applicants argue that there are two essential differences between the watermark detector of Cox et al and the subject invention:

- a. The DCT coefficients that Cox et al accumulates (82) are associated with one picture, while the subject invention accumulates spatially corresponding coefficients of a plurality of pictures; and
- b. Cox et al detects the watermark in the DCT domain, while the subject invention does so in the spatial domain.

In response, the examiner respectfully disagrees. It is recognized that Cox et al does not specifically disclose that the sizes of the accumulators are greater than one picture. The MPEG video signal inputted to the accumulators of Cox et al **has plurality of pictures**. Even though the sizes of the accumulators of Cox et al is not greater than one picture, the accumulators of Cox et al **accumulate spatially corresponding coefficients of a plurality of pictures because the MPEG video signal inputted to the accumulators of Cox et al has plurality of pictures**.

It is noted that the alleged “watermark detection is performed in **the spatial domain**” is not recited in the claims. The specification is not the measure of invention. Therefore, limitations contained therein can not be read into the claims for the purpose of avoiding the prior art. In re Sporck, 55 CCPA 743, 386 F.2d 924, 155 USPQ 687 (1968). Claims 1-6 recite “**detecting the watermark in said accumulated plurality of pictures**”. Steps 106-118 of Fig. 10 of Cox et al does detect the watermark in the accumulated plurality of pictures as recited in claims 1-6.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Cox et al ('792 B1) as set forth in paragraph #2 of the last Office Action.

Regarding claim 1, Cox et al discloses a method of detecting a watermark in a compressed video signal (Fig. 10) comprising spectral coefficients obtained by transforming picture of said video signal, the method comprising the steps:

accumulating spatially corresponding coefficients of a plurality of picture (step 102 of Fig. 10, col. 17, lines 51-58);

inverse transforming said accumulated coefficients into an accumulated plurality of pictures (step 104 of Fig. 10, col. 17, line 59 to col. 18, line 1); and

detecting the watermark in said accumulated plurality of pictures (steps 106-118 of Fig. 10, col. 18, lines 1-12).

Regarding claim 2, Cox et al also discloses the claimed wherein said encoded video signal includes predictively encoded pictures each comprising coefficients representing a residual picture after subtracting a prediction picture, and wherein the step of accumulating coefficients is applied to the coefficients representing said residual pictures irrespective of coefficients representing the prediction picture (col. 9, lines 27-49 and col. 17, lines 51-58).

Regarding claim 3, Cox et al further discloses the claimed wherein said predictively encoded pictures further include motion vectors, and wherein the step of accumulating coefficients is carried out irrespective of said motion vectors (col. 9, lines 27-49 and col. 17, lines 51-58).

The apparatus claim 4 is rejected for the same reasons as discussed in the method claim 1.

The apparatus claim 5 is rejected for the same reasons as discussed in the method claim 1.

Claim 6 is rejected for the same reasons as discussed in claim 1 above. Additionally, Cox et al also discloses the claimed means (col. 1, lines 32-45) for disabling recording and/or playback of the video signal in dependence upon the presence of a watermark in said video signal.

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5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

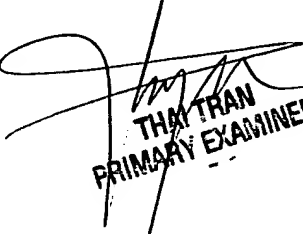
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (703) 305-4725. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

TTQ
January 26, 2003


THAI TRAN
PRIMARY EXAMINER